



September 16, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Dear Ms. Dortch,

On behalf of the Arts & Technology Academy, I am appealing the USAC Administrator's 7/22/08 Decision on Appeal for Funding Year 2005-2006. USAC is requiring the Arts & Technology Academy, a public charter school for 615 children in grades Pre-K through 6th grade, to reimburse USAC for the \$5,410.80 grant that paid for internet access. The USAC decision was based on the finding that the school did not have an approved technology plan at the time of the submission of the Form 486.

Request for Review

CC Docket No. 02-06

Form 471 Application Number:	449320
Funding Request Number	1282785
Funding Year	2005
Applicant's Form Identifier:	DCATA
Billed Entity Number:	221258
FCC Registration Number:	0011931722
SPIN Name:	Verizon Business Global LLC

With respect to the technology plan, I would note that the school did have a technology plan and that technology planning is a regular and essential practice at our school. As our name implies, technology is at the core of the mission. Our technology plan was incorporated into our charter application when the school was founded eight years ago. It is incorporated into the School Improvement Plan every year and, of course, in our annual budget. All of these documents are required by the District of Columbia Public Charter School Board and go through a review and a formal approval process. The D.C. Charter School Board is also the organization that USAC has authorized to approve technology plans. While we did not have the technology plan separately approved in 2006, I would argue that it was approved by the appropriate entity when that board voted to approve our charter, annual improvement plan and annual budget. When we became aware of the need for a separate approval, we did submit a plan which was approved in July of 2007.

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Taking a step back from the specifics of this administrative procedural violation, I would note that the E-rate application process is extremely complicated. We are a single entity elementary school serving disadvantaged children in one of the worst neighborhoods in Washington, D.C. That is what we do and do well. We had no intention of defrauding the E-rate program and, in fact, we thought we were compliant when we applied for the grant. This is not a case of waste, fraud or abuse. We used the money for the purpose it had been granted. If we have to return the grant, it will create undue hardship and cause us to cut other programs that benefit our students. Therefore, I respectfully request that you overturn the USAC decision.

I would note that the FCC has overturned USAC decisions before in cases that are similar to the Arts & Technology Academy's (see reference below).

Technology Plan Issue Denials

Released March 28, 2007 - 32 appeals granted.

PA applicants: Milford E. Barnes Jr. School, FY 2003; The Pennsylvania School for the Deaf, FY 2005; St. Mary's Public Library, FY 2006.

Summary: The FCC granted waivers or approvals of appeals where funding request were not supported by an approved technology plan. In some cases, Petitioners did not develop a technology plan because they sought discounts only for telecommunications services, or because they believed that a technology plan was not required for basic voice service provided over an ISDN/PRI line, a PBX system, or other similar technology. In other instances, Petitioners failed to show to USAC that they had an approved technology plan in place for the relevant funding year, or that the plan was in the process of being approved. http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-37A1.doc

Thank you for your consideration.

Sincerely,

Coleen Meehan
School Administrator
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